



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

IN THE MATTER OF:

DAVID P. LITTELL
COMMISSIONER

CHAUNCEY VIEIRA)	ADMINISTRATIVE CONSENT
SANFORD, YORK, MAINE)	AGREEMENT
NRPA)	(38 M.R.S.A. § 347-A)
2009-095-L)	

This Agreement by and among Chauncey Vieira, the Maine Department of Environmental Protection (“Department”), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department’s *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. Chauncey Vieira, P. O. Box 483, Springvale, Maine 04083, owns a parcel of land off Dry Brook Road in Sanford, Maine as described and recorded in Book 15723 of Page 864 of the York County Registry of Deeds.
2. The property described in Paragraph 1 of this Agreement contains a portion of a freshwater wetland as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(4).
3. On September 3, 2009, a staff inspection of the property described in Paragraph 1 of this Agreement revealed that Chauncey Vieira placed fill material in approximately 10,400 square feet of a freshwater wetland for a house and driveway. Chauncey Vieira did not first obtain a permit from the Department for this activity. At the time of inspection, the project site was stabilized to staff’s satisfaction.
4. By placing fill material in a freshwater wetland without first obtaining a permit from the Department, Chauncey Vieira violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
5. On September 21, 2009, the Department issued a Notice of Violation to Chauncey Vieira regarding the violation described in Paragraphs 3 and 4 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
6. On October 20, 2009, Chauncey Vieira submitted an after-the-fact Natural Resources Protection Act Tier 1 permit to the Department for the wetland alteration described in Paragraph 3 of this Agreement. The permit was assigned # L-24742-TC-A-N and was approved on November 30, 2009.
7. The Department has regulatory authority over the activities described herein.

AUGUSTA	BANGOR	PORTLAND	PRESQUE ISLE
17 STATE HOUSE STATION	106 HOGAN ROAD	312 CANCO ROAD	1235 CENTRAL DRIVE, SKYWAY PARK
AUGUSTA, MAINE 04333-0017	BANGOR, MAINE 04401	PORTLAND, MAINE 04103	PRESQUE ISLE, MAINE 04769-2094
(207) 287-7688 FAX: (207) 287-7826	(207) 941-4570 FAX: (207) 941-4584	(207) 822-6300 FAX: (207) 822-6303	(207) 764-0477 FAX: (207) 760-3143
RAY BLDG., HOSPITAL ST.			

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)	

- 8. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the “Board”) which is part of the Department.
- 9. This Agreement shall become effective only if it is approved by the Board and the Attorney General.
- 10. To resolve the violation referred to in Paragraphs 3 and 4 of this Agreement, Chauncey Vieira agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of one thousand two hundred thirty seven dollars (\$1,237.00) as a civil monetary penalty.
- 11. The Department and Office of the Attorney General grant a release of their causes of action against Chauncey Vieira for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 10 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

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)	

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

CHAUNCEY VIEIRA


CHAUNCEY VIEIRA DATE: 1/7/10

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
SUSAN M. LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL